

**REMARKS**

Claims 2 and 8-15 are pending. Reconsideration is requested.

Claims 15, 6, and 7 stand rejected under 35 USC §102(b) as being anticipated by Kreager et al. This rejection is traversed for the following reasons.

It is the Examiner's view that "with respect to claim 15, Kreager et al. anticipates an ultrasonic sealing apparatus in which a laminated packaging material containing thermoplastic is formed into a tubular form and the tubular material is transversely ultrasonically sealed by an apparatus comprising of a horn 12 with an elongated and flat sealing face 24 and an opposing jaw 18 as seen in Figure 1 of Kreager et al. The opposing jaw is disclosed as having an elongated pressing face that presses the packaging material in cooperation with the sealing face of the horn and having a center portion and two end portions wherein the center portion is narrower than both end portions as seen in figure as item 28 in Figure 1."

It is believed that these conclusions have been made based on a misunderstanding by Examiner.

First, the apparatus for ultrasonic sealing disclosed by Kreager et al. comprises a first jaw 16 to which an ultrasonic horn 12 is movably mounted and a second jaw 18 to which an ultrasonic anvil 14 is securely mounted.

Comparison between the apparatus for ultrasonic sealing disclosed by Keager et al. and an ultrasonic sealing apparatus of the present invention, shows that "a second jaw 18" of the former corresponds to "an opposing jaw" of the latter, and "an elongated pressing face" of the present invention exists in "an opposing jaw". This leads to the conclusion that, "an ultrasonic anvil 14" of "a second jaw 18" needs to comprise "an elongated pressing face", on the condition that "an elongated pressing face" of the present invention is disclosed by Kreager et al.

Examiner found that "it is disclosed that the center portion is narrower than both end portions as seen in figure as item 28 in Figure 1." However, as is apparent from Figure 1, item 28 in Figure 1 is mounted to a first jaw 16. [Meanwhile, a second jaw 18 is indicated by an arrow 18 in the lower section of Figure 1, and an area corresponding to "an elongated pressing face" is not illustrated in Figure 1.] Further, it is stated that "the upper film pulling means 28 of

the first jaw cooperate with the upper film pulling means 34 of the second jaw” on 52 to 53 lines in the forth column of Kreager et al, the upper film pulling means 28 shown as item 28 in the figure is not mounted to a second jaw 18 but to a first jaw 16. The shape of the above-mentioned “the upper film pulling means 34 of the second jaw” mounted to a second jaw 18, is not clear. However, the upper film pulling means 34 cooperates with the upper film pulling means 28, but does not cooperate with the sealing face of the horn, unlike in the apparatus of the present invention.

In addition, the Examiner found “a horn 12 with an elongated and flat sealing face 24”, but what is shown by item 24 in Figure 1 of Kreager et al. is not a sealing face of the horn, as is apparent from the description that “The first jaw 16 of the present invention comprises the ultrasonic unit generally designated 8 (comprising a converter and booster) mounting member 24 having provided therein a passageway 26 (through which horn member 12 passes) and a plurality of upper and lower film pulling means 28 and 30, respectively.” on 39 to 45 lines in the fourth column.

The land areas corresponding to “an elongated pressing face that presses the tubular laminated packing material in cooperation with the sealing face of the horn” of the present invention, coincide with “the upper and lower land areas 38, 40” in the apparatus for ultrasonic sealing disclosed by Kreager et al, albeit Kreager et al. teach nothing as to whether “the upper and lower land areas 38, 40” are “extending in a longitudinal direction and having a center portion and two end portions wherein the center portion is narrower than both end portions”.

Claims 2, 3 and 4 stand rejected under 35 USC § 103(a) as being unpatentable over Kreager et al. in view of Bosche et al. This rejection is traversed for the following reasons.

It is the Examiner's view that with respect to claim 2, Kreager et al. discloses the claimed invention except for a laminated packaging material that contains a paper layer, and that Bosche et al. discloses such a layer. It is the Examiner's view that with respect to claim 3, Kreager et al. discloses the claimed invention except for the transverse ultrasonic sealing is ultrasonic sealing with a fluid, an[d] the ultrasonic horn and the opposing jaws press together to seal the tubular laminated packaging material filled with fluid content, and that Bosche et al. disclose these features. It is the Examiner's view that with respect to claim 4, Kreager et al.

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discloses the claimed invention but does not show a center portion length that is longer than a length of a longitudinally sealed three-ply portion of the tubular packaging material under a pressed state, and that Bosche et al. discloses this feature. According to the Examiner, it would have been obvious to a person of skill in the art to combine Kreager with Bosche et al. to result in the invention as claimed in claims 2-4.

Applicants respectfully submit that for the reasons detailed above, Kreager does not disclose the invention as claimed in claim 15, and that the secondary reference, Bosche et al., does not remedy the deficiency of Kreager to disclose each and every element of the main invention. Accordingly, it is submitted that dependent claims 2-4 are not obvious in view of the cited combination. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 8 stands rejected as being unpatentable over Kreager et al. in view of Nakanose. This rejection is traversed for the following reason.

It is the Examiner's view that Kreager et al. discloses the claimed invention except for a resin tape for sealing and creating the tubular form and only discloses the fusing of thermoplastic to form a seal, and that Nakanose discloses the common use of thermoplastic resin tap for packaging purposes. Applicants respectfully submit that for the reasons detailed above, Kreager does not disclose the invention as claimed in claim 15, and that the secondary reference, Nakanose, does not remedy the deficiency of Kreager to disclose each and every element of the main invention. Accordingly, it is submitted that dependent claim 8 is not obvious in view of the cited combination. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 5 stands rejected as being unpatentable over Kreager. This rejection is traversed for the following reasons

It is the Examiner's view that Kreager et al. discloses the claimed invention except for a width of the center portion is  $1/4$  to  $1/2$  of a width of the pressing face at both end portions. According to the Examiner, it would have been obvious to a skilled artisan to find an optimum relation between the center portion and end portions. Applicants respectfully submit that for the reasons detailed above, Kreager does not disclose the invention as claimed in base claim 15,

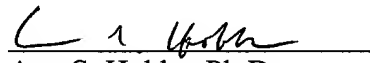
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and therefore cannot render the specific embodiment of claim 5 obvious. Furthermore, it is submitted that even if Kreager et al. had disclosed each and every element of claim 15 (which is strongly denied), it would have required undue experimentation to arrive at a center portion width that was 1/4 to 1/2 of a width of the pressing face at both end portions. Accordingly, it is submitted that dependent claim 5 is not obvious in view of Kreager et al. Reconsideration and withdrawal of the rejection are respectfully requested.

All rejections having been addressed,, it is respectfully submitted that the application is in condition for allowance, and Notice to that effect is respectfully requested.

Respectfully submitted,

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